

**REMARKS**

Claims 1-13 are pending in this application. Claims 1-4 and 13 stand rejected and claims 5-12 are objected to . Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 5-12. By this Amendment, claims 1 and 13 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

The Examiner has objected to claims 5-12 as being objected to for depending from a rejected claim. Applicant refrains from rewriting these claims in independent form until final resolution of the underlying independent claims is reached.

Paragraph 2 of the Office Action acknowledges that Applicant claims priority. However, it states that a certified copy of the application has not been submitted. Applicant encloses herewith a copy of the front page of the priority document and a copy of the stamped receipt postcard. As such, Applicant requests correction of the record.

Claims 1 and 13 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In accordance with the Examiner's remarks, and

to more clearly define the invention, Applicant has amended claims 1 and 13. As a result, Applicant requests that the Examiner withdraw the rejection under 35 U.S.C. § 112.

Claims 1-4 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,311 (“Wheatley”) in view of U.S. Patent No. 5,920,557 (“Hirata”). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Among the limitations of independent claim 1 not present in the cited reference is providing a synchronizing signal from said exchange office to each of said base stations, and computation means for computing a time correction value for each base station which synchronizes a radio communication timing on the basis of a delay-time detected and correction means for correcting said synchronizing signal supplied to said base station according to said timing correction value.

The above-recited limitation in claim 1 is not shown in the Wheatley reference. In contrast to the explicitly recited system, Wheatley teaches a slave base station attaining synchronization with the reference base station through messages transmitted from and received by a mobile station. The slave base station then searches until it acquires the signal transmitted by the mobile station. In response to the acquisition of the reverse link signal, the slave base station adjusts its timing so that the mobile station can acquire its signal. Once the mobile station acquires the signal from the slave base station, it measures and reports the difference between the amount of time it takes a signal to travel from the reference base station to it and the amount of time it takes a signal to travel from the base station to it. A time difference between the slave base station and an adjustment of the slave base station timing is performed in accordance with a calculated time difference.

In contrast, in Applicant's explicitly claimed system, the synchronizing signal is sent to each of the base stations. Each base station then has competition means for computing a time correction value for each base station. Further, each base station then has correction means for correcting the synchronization signal supplied to the base station. As such, the explicitly recited system is unlike that in the Wheatley reference. The Office Action includes the Hirata reference not to cure the deficiency discussed above but to show additional limitations which, even if were to show, do not render Applicant's claim obvious. As such, Applicant respectfully requests reconsideration and withdrawal of this rejection and allowance of claim 1 and its dependent claims.

Claim 13 is a method claim corresponding to independent apparatus claim 1. Independent method claim 13 recites detecting an arrival delay time of said synchronizing signal to each of said base stations; computing a time correction value which synchronizes timing of radio communication of all of the base stations on the basis of the delay time detected for each of said base stations and correcting said synchronizing signal supplied to said base station according to said timing correction value. This method is not disclosed anywhere in the cited references.

The Wheatley reference fails to disclose the detecting of the arrival signal, arrival delay time of the synchronizing signal at each of the base stations. As discussed above, the Wheatley reference is concerned with a single slave base station. As such, the explicitly recited method of claim 13 is not disclosed by Wheatley. Further, the combination of Wheatley and Hirata fails to disclose Applicant's explicitly claimed method. As such, Applicant respectfully requests that claim 13 be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Docket No.: H1139.0097/P097

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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